IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4942 of 2002

Between:

United India Insurance Company Limited,

Represented by its Divisional Manager,

Divisional Officer No.XI,

16-10-27/185, 2nd floor, Malakpet,

Hyderabad

..... PETITIONER

AND

1. P.Balaiah, S/o. Ramaiah,

aged about 31 years,

R/o.Pocharam Village,

Ranga reddy district.

2 B.Goverdhan Reddy,

S/o.Bhupal Reddy,

R/o.17-1-210/3, Santoshnagar,

Hyderabad.

3 The Commissioner for Workmen Compensation

and Assistant Commissioner of Labour,

Twin cities Zone,

Hyderabad - II

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus calling for records relating to orders dt.3.10.2001 in WC.No.55/01 and the consequential order dated 1.12.2001 on the file of the Commissioner for Workmen Compensation and Assistant Commissioner of Labour, Twin Cities Zone, Hyderabad – II and or set aside the same as illegal arbitrary and amounting to refusal to exercise the jurisdiction vested in the Commissioner of Workmen Compensation and Assistant Commissioner of Labour and contrary to the law laid down by the Hon'ble Supreme Court of India and to issue consequential directions to the respondent No.3 to consider the claims put forth by the claimants.

Counsel for the Petitioner:MR.R.BRIZ MOHAN SINGH

Counsel for the Respondents: GP FOR LABOUR

The Court made the following :

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4942 of 2002

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JUDGMENT

This writ petition is filed challenging the order of the Commissioner for Workmen's Compensation refusing to entertain a review filed by the writ petitioner. Several grounds were urged in support of the plea that though not vested with specific power to entertain review, the Commissioner is empowered to review his own order, if it was stained with factors like fraud, misrepresentation etc., Reliance is placed on a Judgment of this Court in ***UNITED INDIA INSURANCE CO. LTD., V. RAJENDRA SINGH.***

The necessity to adjudicate upon this issue is obviated on account of the fact that the subject matter of the writ petition was dealt with in C.M.A.No.318 of 2002, and that the cause does not survive. The writ petition is accordingly closed as infructuous. There shall be no order as to costs.

26-10-2004

To

1 The Commissioner for Workmen Compensation

and Assistant Commissioner of Labour,

Twin cities Zone,

Hyderabad - II

2 2 CCs to the G.P. for Labour, High Court Buildings, High

Court of A.P., Hyderabad (OUT)

3 2 CD copies.